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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/263,801	03/06/1999	LAWRENCE A. FISH	SGUS0007	2251

7590 01/12/2006

Nath & Associates
Sixth Floor
1030 Fifteenth Street N.W.
Washington, DC 20005

EXAMINER	
LONSBERRY, HUNTER B	
ART UNIT	**PAPER NUMBER**
2611	

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/263,801	FISH ET AL.	
	Examiner	Art Unit	
	Hunter B. Lonsberry	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 October 2005*.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-30 and 37-51* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *21-23,28-30,37-39 and 42-50* is/are allowed.

6)☒ Claim(s) *2-20,24-27, 40-41 and 51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

1. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose nor sufficiently suggest the system as claimed by applicant in claim 21 in which each push pull media server computer system includes an affiliate address book maintenance application and the push pull media system is adapted to transfer the affiliate address book to the production computer systems.

Claims 21-23, 28-30, 37-39 and 42-50 are allowed.

Response to Arguments

2. Applicant's arguments filed 10/17/05 have been fully considered but they are not persuasive.

The examiner has withdrawn the indicated allowability of claim 41 , in view of the new combination of Dawson, Thacker and the UPS web tracking application.

Applicant argues that Dawson does not disclose the use of a triggering communication to cause a remote client to access the delivery server and download information, not does dawson teach that information to be delivered to affiliates is enclosed in aq package and that the package includes an envelope portion having addressing information (amendment page 22).

Regarding applicants argument, Dawson discloses at column 6, lines 55-64, column 7, lines 9-30, the use of TCP/IP ACKs. If the data is received in error the receiver requests the same packet again from the computer server system. In this case, the ACK is the trigger, and the reqeuest from the client system is the pull as required by claims 2-3. Further Dawson discloses that the digital audio information is enclosed in a package (packet format) including an envelope portion having addressing information (packet header) for said digital audio information (column 6, lines 37-column 7, line 8, lines 31-36).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 2-7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,594,490 to Dawson.

Regarding claim 2, Dawson discloses an integrated system for distribution of digital audio, video, or image information to one or more recipients (figure 1), the integrated distribution system comprising

One or more broadcast channel portions (satellite 31) substantially reserved for transmission of relatively large data files including digital audio, video, or image information (column 5, line 59-column 6, line 12, column 7, lines 36-48);

A push pull media server computer system 9 (column 5, lines 16-45) having a server internet connection to the internet (via modem 17, column 9, lines 43-56) and a broadcast connection 31 to the one or more broadcast channel portions;

A plurality of affiliate computer systems 39 (receiver server 39, figure 2, column 9, lines 14-34) located remotely from the media server computer system at least two of said affiliate computer each having an affiliate Internet connection to the internet and thereby to the media server computer system (PSTN/Internet ; column 9, lines 43-56)

A plurality of broadcast receivers (figure 2, SCPC 33), each broadcast receiver being connected to one among the affiliate computer systems 39, whereby the broadcast receiver receives said transmission of data files and distributed said data files to the connected affiliate computer system (column 8, lines 63-column 9, line 34).

Wherein the affiliate computer system pulls said audio, video or image information from the media server system in response to a triggering communication from said media server system (column 6, lines 55-64, column 7, lines 9-30, Dawson utilizes TCP/IP acklowedges, if the data is received in error the receiver requests the same packet again from the computer system)

Regarding claim 3, Dawson discloses an integrated system for distribution of digital audio, video, or image information to one or more recipients (Figures 1-2), the integrated distribution system comprising in combination:

a high bandwidth channel 31 separate from the Internet for transmission of at least digital audio, video, or image information (column 5, line 59-column 6, line 12, column 7, lines 36-48);

a push-pull media server system 9 (column 5, lines 16-45) having a server Internet connection to the Internet and a broadcast connection to the high bandwidth channel (via modem 17, column 9, lines 43-56);

a plurality of affiliate computers (receiver server 39, figure 2, column 9, lines 14-34) located remotely from the push-pull media server computer, at least two of said affiliate computers each having a affiliate internet connections to the Internet and thereby to the push-pull media server system (PSTN/Internet ; column 9, lines 43-56); and

a plurality of high bandwidth broadcaster receivers (figure 2, SCPC 33), each high bandwidth broadcast receiver being in communication with one among the plurality of affiliate computers 39 and being adapted to receive the transmission of said at least digital audio, video, or image information through said high bandwidth channel and distribute said audio, video or image information to the affiliate computer in communication with said broadcaster receiver (column 8, lines 63-column 9, line 34),

Wherein the affiliate computer system pulls said audio, video or image information from the media server system in response to a triggering communication

from said media server system (column 6, lines 55-64, column 7, lines 9-30, Dawson utilizes TCP/IP acklowedges, if the data is received in error the receiver requests the same packet again from the computer system).

Regarding claim 4, Dawson discloses an integrated system for distribution of at least digital audio information to one or more recipients, the integrated distribution system comprising:

a one-way high-bandwidth transmission link 31 (column 5, line 59-column 6, line 12, column 7, lines 36-48);

a push pull media server computer system 9 (column 5, lines 16-45) having a server Internet connection to the internet (via modem 17, column 9, lines 43-56); and broadcast connection to the one-way high bandwidth transmission link via satellite 31,

a plurality of re-broadcasting affiliate computer systems (receiver server 39 connected to viewers 50, figure 2, column 9, lines 14-34)) located remotely from the media server computer, at least two of said affiliate computer systems each having an affiliate Internet connection to the media server computer system (PSTN/Internet ; column 9, lines 43-56); and

a plurality of broadcast receivers (figure 2, SCPC 33) adapted to receive a transmission of said at least digital audio information through said one-way transmission link, each of which broadcast receivers being connected to one among the affiliate computer systems 39 whereby the broadcast receiver may distribute said at least digital

audio information to said connected affiliate computer system (column 6, lines 65-column 7, line 9, column 8, lines 63-column 9, line 34)

wherein said digital audio information is enclosed in a package (packet format) including an envelope portion having addressinf information (packet header) for said digital audio information (column 6, lines 37-column 7, line 8, lines 31-36).

Regarding claims 5-7, Dawson discloses in figure 1, that the one-way high bandwidth broadcast channel is a satellite connection (column 8, lines 31-47) that is independent of the Internet connection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,594,490 to Dawson in view of U.S. Patent 6,011,548 to Thacker (of record).

Regarding claims 8-13, Dawson discloses that the broadcast receiver (SCPC 33) provides the push information to the receiver enabled affiliate computer system 39 via a LAN connection from SLB 37 (column 6, lines 65-column 7, line 9, column 8, lines 63-column 9, line 34).

Dawson does not disclose the use of an Ethernet port on the broadcast receiver.

Thacker discloses a cable modem system which utilizes an Ethernet port to transmit data from the cable modem to a user's PC (column 1, line 63-column2, line 4, column 4, lines 8-53), thus taking advantage of a commonly used interface, and make use of the high bandwidth that Ethernet provides.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the broadcast receiver of Dawson to utilize an Ethernet port on the broadcast receiver as taught by Thacker, thus taking advantage of a commonly used interface, and make use of the high bandwidth that Ethernet provides.

5. Claims 14-20, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,594,490 to Dawson in view of U.S. Patent 6,011,548 to Thacker in further view of U.S. Patent 6,385,647 to Willis (of record).

Regarding claims 14-20 and 51, Dawson discloses a broadcast receiver which communicates with an affiliate computer via a LAN 43.

Dawson does not disclose utilizing the IGMP protocol.

Willis discloses a network utilizing IGMP protocol for transmitting unidirectional data to a number of receivers (Figures 2-4, column 10, line 40-column 11, line 49), thus reducing the need for additional bandwidth, as the same data is broadcast to a number of receivers simultaneously

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Dawson to use IGMP as taught by Willis, to increase the amount of available bandwidth in the network as the same data is broadcast to a number of receivers simultaneously.

6. Claims 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,594,490 to Dawson in view of the UPS Web Tracking Application (of record, http://web.archive.org/web/19970605110457/www.ups.com/tracking/tracking.html).

Regarding claims 24-27, Dawson discloses a push pull system that delivers content to a remote computer system.

Dawson does not disclose the use of a web based content delivery tracking application which enables a user to determine the delivery status of digital audio, video or image information to affiliate computer systems.

The UPS tracking application is a web-based application which is utilized to retrieve the delivery status of a shipped item (see attached screenshot), thus enabling a

user to estimate when a shipment will arrive, and know where the package is at any point in the distribution chain.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Dawson to utilize a tracking application as taught by the UPS tracking application, thus enabling a user to estimate when a shipment will arrive, and know where the package is at any point in the distribution chain.

7. Claims 40-41 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,594,490 to Dawson in view of the UPS Web Tracking Application (of record, http://web.archive.org/web/19970605110457/www.ups.com/tracking/tracking.html) and U.S. Patent 6,011,548 to Thacker.

Regarding claims 40- 41, Dawson discloses an integrated system for distribution of digital audio, video, or image information to one or more recipients (Figures 1-2), the integrated distribution system comprising in combination:

a high bandwidth channel 31 separate from the Internet for transmission of at least digital audio, video, or image information (column 5, line 59-column 6, line 12, column 7, lines 36-48);

a push-pull media server system 9 (column 5, lines 16-45) having a server Internet connection to the Internet and a broadcast connection to the high bandwidth channel (via modem 17, column 9, lines 43-56);

a plurality of affiliate computers (receiver server 39, figure 2, column 9, lines 14-34) located remotely from the push-pull media server computer, at least two of said affiliate computers each having a affiliate internet connections to the Internet and thereby to the push-pull media server system (PSTN/Internet ; column 9, lines 43-56); and

a plurality of high bandwidth broadcaster receivers (figure 2, SCPC 33), each high bandwidth broadcast receiver being in communication with one among the plurality of affiliate computers 39 and being adapted to receive the transmission of said at least digital audio, video, or image information through said high bandwidth channel and distribute said audio, video or image information to the affiliate computer in communication with said broadcaster receiver (column 8, lines 63-column 9, line 34).

Dawson does not disclose the use of an Ethernet port on the broadcast receiver or the use of a web based content delivery tracking application which enables a user to determine the delivery status of digital audio, video or image information to affiliate computer systems..

Thacker discloses a cable modem system which utilizes an Ethernet port to transmit data from the cable modem to a user's PC (column 1, line 63-column2, line 4, column 4, lines 8-53), thus taking advantage of a commonly used interface, and make use of the high bandwidth that Ethernet provides.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the broadcast receiver of Dawson to utilize an Ethernet port on the

broadcast receiver as taught by Thacker, thus taking advantage of a commonly used interface, and make use of the high bandwidth that Ethernet provides.

The combination Dawson and Thacker does not disclose the use of a web based content delivery tracking application which enables a user to determine the delivery status of digital audio, video or image information to affiliate computer systems.

The UPS tracking application is a web-based application which is utilized to retrieve the delivery status of a shipped item (see attached screenshot), thus enabling a user to estimate when a shipment will arrive, and know where the package is at any point in the distribution chain.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination Dawson and Thackerto utilize a tracking application as taught by the UPS tracking application, thus enabling a user to estimate when a shipment will arrive, and know where the package is at any point in the distribution chain.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL